



An
Bord
Pleanála

Inspector's Report ABP-316978-23.

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Kilcruttin Business Park, Tullamore, Co. Offaly
Local Authority	Offaly County Council
Local Authority Reg. Ref.	RZLT-D-01
Appellant	Flanagan Properties Ltd.
Inspector	Irené McCormack

1.0 Site Description

- 1.1. The site comprises ca. 0.2873ha of lands at Kilcruttin Business Park, Tullamore, Co. Offaly.

2.0 Zoning

- 2.1. The site is zoned Town Centre/Mixed Use in the Offaly Development Plan 2021 – 2027

- 2.2. Key Town (Tullamore)

SSP-06 - It is Council policy to strategically prioritise the development of Tullamore to underpin its role as a designated Key Town and driver of economic development for the county.

SSP-07 It is Council policy to require sustainable, compact, sequential growth and urban regeneration in Tullamore by consolidating the built-up footprint through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth.

- 2.3. The site is located within lands identified as Opportunity Site No. 7 in the OCDP 2021-2027.

3.0 Planning History

- 3.1. Site

None recent

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map.

- 4.2. The lands in are not Vacant but used for a variety of commercial uses and acts as a significant employment generator to the town.

- 4.3. The CDP seeks a comprehensive approach to the development of the lands (Opportunity site 7) which required site assembly. Concerns re. piecemeal development of the site not in compliance with CDP.
- 4.4. The site has no road frontage to the public road access from Spollanstown Road is substandard. Site cannot be developed without the inclusion of land owned by private individuals.

5.0 Determination by the Local Authority

- 5.1. The local authority determined that the site was in scope and should remain on the map. The local authority consideration stated that land is zoned for a mixture of uses including residential use, is vacant and idle and serviced.

6.0 The Appeal

6.1. Grounds of Appeal

- The grounds of appeal centre around site access. The appeal is accompanied by an Engineering statement which states that the access road serving the site does not comply with the DMURS and would require work on third party lands to ensure compliance. Sightlines also not in compliance with DMURS. The lack of a serviceable access effects the principle of development. The site is not serviced.
- Whilst it is accepted that the site is a 'vacant and idle' the lands cannot be developed in isolation including OCC lands which the LA has not expressed any intention to develop and third-party lands.

7.0 Local Authority Response

- The PA note that there is potential access through LA lands to the north of the site via Cormac Street
- Access south via right of way to Spollanstown Road could be facilitated through agreement.

- Junction design a development management issue and not a matter for RZLT.

8.0 Assessment

- 8.1. The legislation supporting the measure clearly sets out that land in scope will be zoned for residential development or a mixture of uses including residential; be serviced or have access to servicing by water, waste-water, road, footpath and public lighting; and not be affected by contamination or significant archaeological remains which would preclude development taking place. Section 4.1.1 iii) *Services to be considered* of the guidelines state that “*in assessing whether land or landbanks are able to connect to services, Planning Authorities should take into account the following:- In the first instance, where the infrastructure is located adjoining, intersecting, at a boundary or corner of a landbank, in a nearby public road, or is connected to an existing development adjoining the landbank, the lands should be considered to be ‘connected’ or ‘able to connect’ and therefore are in-scope*”.
- 8.2. The guidelines states that where the infrastructure does not meet the threshold above, the following needs to be considered:
- *Where no planning permission is in place, are the works to connect the landbank to the services on public land under the control of the local authority or land which will be available to the landowner/developer, in which case the land may be in-scope?*
 - *Do the connections to services involve minor works, in which case the land may be in-scope?*
 - *Do the connections to services require access to 3rd party lands or 3rd party development to take place, in which case the land may be out of scope.*
- 8.3. The PA have stated in their submission that there is potential access through LA lands to the north of the site via Cormac Street and whilst I note the concerns raised by the appellant regarding access via Spollanstown Road the site is currently accessed from this road. I agree with the PA that the development management issues associated with the provision of the access is not a matter for the RZLT. On this basis, it is reasonable to consider the lands to be *‘connected’ or ‘able to connect’* to the existing road network.

8.4. For clarity, I note the appellant in their appeal submission accept that the lands are 'vacant and idle'. Regarding site assembly to facilitate the wider development of the Opportunity Site this is not a matter for the RZLT.

8.5. The appeal grounds do not raise any exclusions that would apply to the subject lands and warrant its removal from the map, with reference to the Taxes Consolidation Act 1997 as amended and the RZLT Guidelines

9.0 Recommendation

9.1. I recommend that the Board confirm the determination of the local authority and direct the local authority to include the site on the map.

10.0 Reasons and Considerations

10.1. The site is part of an established urban area with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Irené McCormack
Senior Planning Inspector

11th August 2023